IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO. 14 OF 2007
IN
WRIT PETITION NO. 9 OF 2006

SHRI SURESH BABAN KAKODKAR AND ANR., ... Petitioners

Versus

SHRI. NAGESH BHIKAJI SHIRODKAR AND ANR., ... Respondents

Mr. V. R. Tamba,Advocate for the petitioner.
Mr. D.V.Patkar, Advocate for the respondents No.1&2.

Coram:- R. S. MOHITE, J.

Date:- 31st August, 2007

P.C.

This contempt petition has been filed on the basis of allegation that respondents No. 1 & 2 have committed breach of order passed by this Court on 16.1.2006 in Writ Petition No.9/2006. By the said order this Court has directed the parties to maintain status-quo in relation to the suit house. The allegations in the contempt petition is that in spite of this order, on 17.1.2006 the respondents No. 1 & 2 demolished the suit house and reconstructed another structure.

On the last occasion, the respondents were directed to file an affidavit as to when they had received the notice of the order of the High Court dated 16.1.2006. In the reply, the copy of the writ of the High Court order is annexed. The same is dated 18.1.2006. Admittedly, the bailiff report is of dated 23.1.2006. The contempt petition is filed on the averment made by the petitioner himself that the demolition and reconstruction was carried out on 17.1.2007. There is no other material brought to my notice to indicate that on this date the respondents No. 1 &

2 has knowledge of the ex-parte order of High Court dated 16.1.2006.

In the circumstances, contempt petition is dismissed. As regards the reconstruction, the petitioner will be at liberty to take such remedies as available according to law. Petition disposed of.

R. S. MOHITE, J.

SMA